

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE **FUTURE LAND USE ELEMENT** (TO REVISE LANGUAGE TO ADD A **SPOIL FUTURE LAND USE DESIGNATION** AND ADD APPROPRIATE TEXT REFERENCES TO ACCOMMODATE THE NEW DESIGNATION); **TRANSPORTATION ELEMENT** (TO ADD APPROPRIATE TEXT REFERENCES TO ACCOMMODATE THE SPOIL FUTURE LAND USE DESIGNATION); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

**WHEREAS**, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

**WHEREAS**, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

**WHEREAS**, the Palm Beach County Local Planning Agency conducted its public hearings on June 15, 22 and July 13, 2001 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on August 14, 2001 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, Palm Beach County received on November 5, 2001 the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated November 2, 2001 which was the Department's written review of the proposed Comprehensive Plan amendments; and

**WHEREAS**, the written comments submitted by the Department of

1 Community Affairs contained no objections to the amendments contained  
2 in this ordinance;

3 WHEREAS, on December 5, 2001 the Palm Beach County Board of  
4 County Commissioners held a public hearing to review the written  
5 comments submitted by the Department of Community Affairs and to  
6 consider adoption of the amendments; and

7 WHEREAS, the Palm Beach County Board of County Commissioners has  
8 determined that the amendments comply with all requirements of the  
9 Local Government Comprehensive Planning and Land Development  
10 Regulations Act.

11 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
12 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

13 Part I. Amendments to the 1989 Comprehensive Plan

14 Amendments to the text of the following Element of the 1989  
15 Comprehensive Plan are hereby adopted and attached to this Ordinance  
16 in Exhibit 1:

- 17 A. Future Land Use Element, to revise language to add a Spoil  
18 future land use designation and add appropriate text  
19 references to accommodate the new designation;  
20 B. Transportation Element, to add appropriate text references  
21 to accommodate the Spoil future land use designation; and  
22 C. Amending all elements as necessary for internal  
23 consistency.

24 Part II. Repeal of Laws in Conflict

25 All local laws and ordinances applying to the unincorporated area  
26 of Palm Beach County in conflict with any provision of this ordinance  
27 are hereby repealed to the extent of such conflict.

28 Part III. Severability

29 If any section, paragraph, sentence, clause, phrase, or word of  
30 this Ordinance is for any reason held by the Court to be  
31 unconstitutional, inoperative or void, such holding shall not affect  
32 the remainder of this Ordinance.

33 Part IV. Inclusion in the 1989 Comprehensive Plan

34 The provision of this Ordinance shall become and be made a part  
35 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the  
36 Ordinance may be renumbered or relettered to accomplish such, and the



word "ordinance" may be changed to "section," "article," or any other appropriate word.

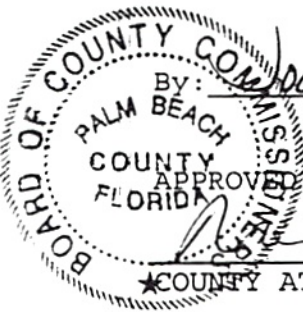
Part V. Effective Date

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolutions shall be sent to the Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Boulevard Tallahassee, Florida 32399-2100.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on the 5 day of December, 2001.

ATTEST:  
DOROTHY H. WILKEN, Clerk

PALM BEACH COUNTY, FLORIDA,  
BY ITS BOARD OF COUNTY COMMISSIONERS



By: [Signature]  
Deputy Clerk

By: [Signature]  
Warren H. Newell, Chairman

APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
[Signature]  
★COUNTY ATTORNEY

Filed with the Department of State on the 14th day of December, 2001

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## EXHIBIT 1

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### A. Future Land Use Element, Spoil future land use designation

**REVISIONS:** To revise language to add a Spoil future land use designation and add appropriate text references to accommodate the new designation. The revisions are numbered below, and shown with the added text underlined, and the deleted text ~~struck-out~~.

#### Objective 1.2 Urban/Suburban Tier

1. **REVISED Policy 1.2-a:** The following general future land use designations shall be allowed in the Urban/Suburban Tier:
  1. Residential categories, ranging from Low Residential 1 (LR-1) to High Residential 18 (HR-18);
  2. Traditional Town Development (TTD);
  3. Commercial categories, ranging from Commercial Low - Office (CL-O) to Commercial High (CH);
  4. Commercial Recreation;
  5. Industrial;
  6. Agricultural, limited to the Special Agricultural (SA) category;
  7. Parks and Recreation;
  8. Conservation;
  9. Institutional and Public Facilities;
  10. Transportation and Utilities; and,
  11. Multiple Land Use (MLU).
  12. Spoil

#### OBJECTIVE 1.6 Glades Tier

2. **REVISED Policy 1.6-a:** The following general future land use designations shall be allowed in the Glades Tier:
  1. Rural Residential, limited to Rural Residential 20 and Rural Residential 10;
  2. Agricultural, limited to the Agricultural Production (AP) category;
  3. Conservation categories;
  4. Parks and Recreation;
  5. Commercial Recreation;
  65. Spoil;
  76. Transportation and Utilities; and, within the general areas of Lake Harbor and Canal Point, which are rural towns with both rural and urban land uses, the additional future land use designations of:
  87. Residential categories ranging from Rural Residential 2.5 (RR 2.5) to Medium Residential 5 (MR 5);
  98. Commercial, limited to the Commercial Low (CL) categories,
  109. Industrial, limited to the Industrial (IND) category;
  1140. Institutional and Public Facilities; and, within the Glades Urban Service Area, the future land use designations of the Urban/Suburban Tier shall apply.

#### OBJECTIVE 2.2 Future Land Use Provisions - General

3. **NEW section heading 2.2.12 Spoil**



**OBJECTIVE 2.2 Future Land Use Provisions - General**

4. **NEW Policy 2.2.12-a:** The County shall designate spoil disposal sites and limit their use to spoil and associated uses, or other compatible uses.

**OBJECTIVE 2.2 Future Land Use Provisions - General**

5. **NEW Policy 2.2.12-b:** Passive parks may be permitted in the Spoil future land use designation, provided that they are not in conflict with the primary purpose of the designation as a spoil disposal site.

iii. **Implementation**

6. **A. Land Use Designations, Goal 2: Land Planning**

**NEW 10. Spoil**

**General.** Spoils are sites in Palm Beach County where the State of Florida and/or federal government has given approval for sand or soil disposal. These sites may be located either on the mainland or on islands located within the Intracoastal Waterway or Lake Okeechobee. Spoil sites are created and serve as an appropriate receiving area for dredged sand, or earth dredged from the bottom of navigable water channels. The Spoil future land use designation is designed to protect and retain this use.

**Permitted Uses.** Spoil uses include: sand or soil disposal, islands left in their natural state, conservation, and parks with passive recreation.

**B. Transportation Element, Spoil future land use designation**

**REVISIONS:** To add appropriate text references to accommodate the Spoil future land use designation. The revisions are numbered below, and shown with the added text underlined, and the deleted text ~~struck-out~~.

**Objective 1.8 Port of Palm Beach**

1. **REVISED Policy 1.8-c:** The County shall review future amendments to the Port's Master Plan for consistency with the County's Comprehensive Plan, and will initiate action to amend the Comprehensive Plan to reflect such County approved Master Plan revisions. As required by section 163.3178(5), Florida Statutes, the appropriate dispute resolution process provided under section 186.509, Florida Statutes must be used to reconcile inconsistencies between the Port's Master Plan and the County's Master Plan.

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STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, DOROTHY H. WILKEN, ex-officio Clerk of the  
Board of County Commissioners certify this to be a  
true and correct copy of the original filed in my office  
on November 5, 2001  
DATED at West Palm Beach, FL on 12/31/01  
DOROTHY H. WILKEN, Clerk  
By: Alexa Brown D.C.